

REMARKS

The Office Action mailed January 17, 2006 has been received and reviewed. Claims 1-20 are pending and rejected over cited references. Claims 1, 10, 13, 14, 17 and 18 are amended. Claim 7 is cancelled. The Applicants submit that the claims are now in condition for allowance for the reasons set forth below.

Objection To The Specification:

The Abstract is object to for informalities. The Abstract is amended.

Objection To Claims 5,13, 17 and 18

Claims 5, 13, 17 and 18 are objected to for informalities. Those claims are amended accordingly.

Rejection Of Claims 10-20 Under 35 U.S.C. § 112

Claims 10-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The claims are amended to overcome the rejection.

Rejection Of Claims 1, 3, 5, 7-11, 15 And 16 Under 35 U.S.C. § 102(b)

Claims 1, 3, 5, 7-11, 15 and 16 are rejected under 35 U.S.C. § 102(b) as being anticipated by Foss, et al. ("Foss"). The rejection is overcome by amendment of claim 1 to include the limitations of claim 7, which is correspondingly cancelled. As amended, claim 1 requires a positioning mechanism that is secured to one bed section and which contacts the adjoining bed section to securely position the adjoining sections in a non-collapsed state. Foss does not disclose such structure. Therefore, claim 1, and claims 3, 5, 8 and 9 which depend therefrom and include the limitations thereof, are not anticipated.

Claim 10 is amended to clarify that the handle positioning mechanism is secured to the bed for positioning the handle at a non-perpendicular angle to the bed. Support

for the amendment is found in the specification at paragraph [0036] and the figures. Foss does not disclose a handle that is connected to the bed in a manner that positions the handle at other than a perpendicular angle to the bed and discloses no handle positioning mechanism as recited. Therefore, claim 10, and claims 11, 15 and 16 which depend therefrom and include the limitations thereof, are not anticipated.

Rejection Of Claims 4 And 14 Under 35 U.S.C. § 103

Claims 4 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Foss. The Examiner states that Foss teaches the claimed elements, except for the locking device being further “structured and positioned” to secure the handle portions in a collapsed state. The Examiner states that Foss notes “that any appropriate means may be used to *secure the respective base supports to one another* when in a collapsed state, but fails to teach a specific structure. The Applicants note that claims 4 and 14 recite a locking mechanism for the handle, not for the base supports (i.e., the frame of the cart) as noted by the Examiner. The Examiner further notes that since Foss teaches use of a common spring-pin lock, it would have been obvious to position a further spring pin lock “to engage between the frame portions in a folded state, for the purpose of securing the frame in a collapsed position, which would additionally serve to secure the handle in a collapsed condition. Again, respectfully, claims 4 and 14 recite structure for locking the handle assembly into a collapsed state adjacent the frame and not a mechanism for securing the frame in a collapsed position as interpreted by the Examiner. The foregoing notwithstanding, Foss does not teach or suggest providing a locking mechanism positioned between the handle assembly and the bed to retain the handle assembly in a collapsed state adjacent the bed as claimed. Foss teaches that the handle assembly comprises three sections which, in a collapsed state, nest inside each other and are retained in a collapsed state against the decorator plate 17 or castor 238. The collapsed handle assembly is held within section 11 of the cart by gravity and/or by cart section 12 which is folded over section 11 to enclose the

handle assembly inside frame 12 when in a collapsed state. Consequently, Foss fails to teach or suggest any need for a locking mechanism as claimed to retain the handle assembly adjacent the bed, and Foss, therefore, fails to establish a *prima facie* case of obviousness concerning claims 4 and 14.

Rejection Of Claims 2, 6, 12, 13 And 17-20 Under 35 U.S.C. § 103(a)

Claims 2, 6, 12, 13 and 17-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Foss in view of Capraro. The Examiner states that Foss does not teach an auxiliary handle positioned opposite a wheel for transporting the cart in a collapsed condition, but that Capraro teaches a cart having a handle (50) opposite at least one wheel, the handle being for use when the cart main handle is not in use, and that it would have been obvious to provide the cart of Foss with an additional handle as taught by Capraro for the purpose of allowing a user to carry the cart. The rejection is traversed. Claims 2, 6, 12, 13 and 17 recite auxiliary handle means for the claimed device. Foss discloses handle means for lifting the cart. See column 16, lines 50-54. Therefore, any rejection of claims 2, 6, 12, 13 and 17 is only proper under § 102 as set forth by the Examiner under the rejection of claims 1, 3, 5, 7-11, 15 and 16. And for the reasons stated hereinabove with respect to the rejection of those claims, claims 2, 6, 12, 13 and 17 depend from and include the limitations of amended claims 1 and 10, respectively, and are not anticipated, therefore.

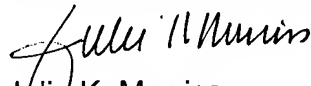
Claims 18-20 depend from claim 17 and recite elements (i.e., fender and locking mechanisms) that do not rely on Capraro for an obviousness rejection. For that reason, claims 18-20 are more properly rejected under § 102 for the same reasons that claim 17 is more properly rejected under § 102 as noted above. Accordingly, claims 18-20 depend from amended claim 10 and include the limitations thereof. Therefore, claims 18-20 are not anticipated by Foss for the same reasons stated above. Moreover, tube 117 of Foss, cited by the Examiner as being a fender, does not meet the requirements of claim 18 which recites that the fender is positioned between the bed and the wheel.

In the cart of Foss, the bed 12, and more specifically the decorative plate 52 of the bed 12, is positioned between the wheel and the tube 117. Claim 18 is not anticipated, nor obviated, by Foss. Claim 20 is not anticipated either for the same reasons stated hereinabove with respect to claims 4 and 14.

CONCLUSION

In view of the amendments and arguments presented, the Applicants submit that claims 1-6 and 8-20 present patentable subject matter. Reconsideration and allowance are respectfully requested.

Respectfully submitted,



Julie K. Morriss
Registration No. 33,263
Attorney for Applicants
MORRISS O'BRYANT COMPAGNI, P.C.
136 South Main Street, Suite 700
Salt Lake City, Utah 84101
Telephone: (801) 478-0071
Facsimile: (801) 478-0076

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